

REMARKS/ARGUMENTS

Claims 1-19 were rejected under 35 U.S.C. §112, second paragraph. By this Amendment, claims 1-19 have been replaced with claims 32-63. Applicant specifically reviewed each of the concerns of the Examiner, and submits that these concerns have been addressed with the new claim set, e.g., by eliminating the objected to phrase in claim 1, and eliminating the “for example” and “preferably” phrases in the claims.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-20 were rejected under 35 U.S.C. §103(a) over Pelletier (U.S. Patent No. 6,536,104). This rejection is respectfully traversed inasmuch as it may apply to new claims 32-63.

Claim 32 is directed to a guide rail of compound type for guiding interaction with a wheel of a unit travelling along the rail, the guide rail comprising an outer rail made of sheet metal exhibiting the shape of a longitudinal open channel with defined inside and outside, a base rail exhibiting a foot for mounting the rail to a surface, a web extending from the foot supporting a main part, which, in comparison to the web, is thicker and serves as a receptacle section for receiving and supporting the outer rail, whereby the outer rail has an outer profile that has been chosen to provide a guiding interaction with the wheel, the inside of the outer rail and the receptacle section of the base rail exhibit corresponding sections or sections that have been chosen relative to each other so that the outer rail fits onto the receptacle section, wherein the outer rail has a yield point exceeding that of the base rail and wherein both the joined parts are fixed adhesively relative to each other by a weld or glue joint. The above recited guide rail is simple and easy to manufacture and may exhibit better properties with regard to both wear resistance and resistance to surface fatigue.

Pelletier does not teach or disclose this subject matter. Pelletier discloses a compound guide rail by attaching a metal outer rail to the head of the base rail. Pelletier applies an electrically conductive stainless steel wear plate to an aluminum body, see, for example, column 2, lines 20-53 and column 10, lines 16-32 (stainless steel, copper and copper alloys). In contrast to claim 32, Pelletier does not teach that the outer rail has a yield point exceeding that of the base rail and wherein the joint parts are fixed adhesively relative to each other by a weld or glue joint, as recited in claim 32. Pelletier teaches the use of different materials, but that does not, *per se*, result in differing yield points. Applicant respectfully submits that the same material can have very different yield points depending on manufacturing process, purity and composition. For example, depending on the manufacturing process, aluminum can have a tensile strength $R_{0.2}$ of 680Mpa while stainless steel normally has a tensile strength of $R_{0.2}$ of 520 Mpa.

Applicant therefore respectfully submits that Pelletier teaches away from the subject matter of claim 32.

Similarly, Pelletier does not teach the subject matter of method claim 52, including providing the outer rail with a higher yield limit compared to the base rail through hardening, as recited in claim 52.

Moreover, Pelletier does not teach or suggest an outer rail that comprises a hardened material, as recited in claim 44, or that the hardened material is boron steel as recited in claim 45. In addition, Pelletier does not teach that the methods of providing the outer rail with a higher yield limit, compared to the base rail, *through hardening*. Applicant respectfully submits that Pelletier does not teach or suggest an outer rail having a higher yield limit, or that this is achieved through hardening, as recited in claim 52.

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above amendments and remarks, Applicant respectfully submits that all the claims are patentable and that the entire application is in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140 under Order No. PTB-4448-44.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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